

Remarks

Reconsideration of this Application is respectfully requested. Claims 1, 2, 4-17, 19-21, 23-31 and 33-35 are pending in the application, with 1, 15, 20, 29, 33, 34 and 35 being the independent claims. Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1, 2, 7, 8, 14 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,838,226 to Houggly *et al.* ("Houggly") in view of U.S. Patent No. 4,363,129 to Cohn *et al.* ("Cohn"). Applicant respectfully traverses.

Independent claim 1 includes the step of "*determining within the plurality of repeaters whether wirelessly transmitting first and second packets to the first and second mobile stations, respectively will create interference between the first and second packets.*" Independent claim 33 recites a similar feature. Houggly does not teach or suggest this limitation. Rather, Houggly teaches that "[e]ach repeater repeats the link claim signal and command packet in a defined time slot, to avoid interference." (Houggly, 3:2-4.) The repeaters in Houggly thus repeat the signals in "*a defined time slot*" irrespective of whether there will be interference. Therefore, the system taught in Houggly has no need to "*determin[e] ... whether wirelessly transmitting first and second packets ... will create interference between the first and second packets,*" as recited in independent claim 1.

Similarly, independent claims 1 and 33 recite the feature of "*wirelessly transmitting the first and second packets to the first and second mobile stations*

respectively at different times when it is determined that transmitting the first and second packets will create interference” (emphasis added). Houggy also does not teach or suggest this step. As noted above, the repeaters in Houggy repeat the signals in “a defined time slot” irrespective of whether there will be interference. Put differently, transmitting packets in defined time slots as taught by Houggy is not conditioned on a determination that there will be interference. This is different from the method and means recited in independent claims 1 and 33.

Cohn does not correct this deficiency. Rather, Cohn teaches the minimization of simulcast distortion “by applying double modulation to a signal that is broadcast to the same-frequency repeater.” (Cohn, Abstract.)

To sustain a rejection under 35 U.S.C. § 103(a), all of the claimed features must be taught or suggested in the combined references. (Citation) Because neither Houggy nor Cohn teach or suggest the recited feature of “*determining within the plurality of repeaters whether wirelessly transmitting first and second packets to the first and second mobile stations, respectively will create interference between the first and second packets*” or the recited feature of “*wirelessly transmitting the first and second packets to the first and second mobile stations respectively at different times when it is determined that transmitting the first and second packets will create interference*” (emphasis added), Applicants respectfully request that the rejection of independent claims 1 and 33 be reconsidered and withdrawn. Similarly, Applicants request that the rejection of dependent claims 2, 7, 8 and 14 be reconsidered and withdrawn as they depend from independently patentable base claim 1, and in view of their own respective features.

Claims 4-6 depend from independent claim 1 and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Houggy in view of Cohn, and further in view of U.S. Patent No. 5,384,776 to Guillford *et al.* ("Guillford"). Applicant respectfully traverses. Guillford is directed to audio routing within trunked radio frequency multi-site switches. Guillford does not correct the deficiencies noted above with respect to Houggy and Cohn. Therefore, for substantially the same reasons cited above, Applicants respectfully request that the rejection of dependent claims 4-6 under 35 U.S.C. § 103(a) be reconsidered and withdrawn because they depend from independently patentable base claim 1, and in view of their own respective features.

Claims 9-13 depend from independent claim 1 and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Houggy in view of Cohn, and further in view of U.S. Patent Number 5,093,927 to Shanley ("Shanley"). Applicant respectfully traverses. Shanley is directed to a trunked communication system where interference is monitored in multiple communications channels operating at different frequencies. (Shanley, 1:58-63; 2:56-60.) Interference history in the frequency channels is tracked and stored in an "historical data library of interference data." (Shanley, 3:17-34.) A controller then consults the historical information when making frequency channel assignments for repeaters. (Shanley, 3:42-45.) Shanley thus does not teach or suggest the recited claim 1 features of "*determining within the plurality of repeaters whether wirelessly transmitting first and second packets to the first and second mobile stations, respectively will create interference between the first and second packets*" or the recited feature of "*wirelessly transmitting the first and second packets to the first and second mobile stations respectively at different times when it is determined that transmitting the first and second*

packets will create interference" (emphasis added). Shanley therefore does not correct the deficiencies note above with respect to Hougg and Cohn. Therefore, for substantially the same reasons cited above, Applicants respectfully request that the rejection of dependent claims 9-13 under 35 U.S.C. § 103(a) be reconsidered and withdrawn because they depend from independently patentable base claim 1, and in view of their own respective features.

Claims 15-17 19-21, 23-31, 34 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hougg in view of Cohn, and further in view of Guillford. Applicant respectfully traverses. Like independent claims 1 and 33, independent claims 15, 20, 29, 34 and 35 all recite the feature of determining or detecting whether immediate or overlapping transmission of the first and second packets will result in interference. As described above with respect to independent claims 1 and 33, neither Hougg nor Cohn teach or suggest this feature. As described above with respect to dependent claims 4-6, Guillford also does not teach or suggest this feature. For at least the same reasons cited above, Applicants respectfully request that the rejection of independent claims 15, 20, 29, 34 and 35 under 35 U.S.C. § 103(a) be reconsidered and withdrawn. Similarly, Applicants request that the rejection of dependent claims 16, 17, 19, 21, 23-28, 30 and 31 under 35 U.S.C. § 103(a) be reconsidered and withdrawn as they each depend from independently patentable base claims, and in view of their own respective features.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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